

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN J. LIPTOK,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:23-1303
	:	
v.	:	(JUDGE MANNION)
	:	
CITY OF POTTSVILLE PA,	:	
<i>et al.,</i>	:	
	:	
Defendants	:	

ORDER

Pending before the court is the report of former United States Magistrate Judge Karoline Mehalchick¹ which recommends that the instant action be dismissed without prejudice for the plaintiff's failure to either pay the appropriate filing fee or move to proceed *in forma pauperis*. (Doc. 6). To date, the plaintiff has failed to file objections to Judge Mehalchick's report.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed. R. Civ.

¹ On July 11, 2023, President Biden nominated Judge Mehalchick to fill the district judge vacancy in the Middle District of Pennsylvania created by the retirement of John E. Jones, III. Judge Mehalchick was confirmed by the Senate on January 31, 2024, and began active service as a United States District Judge on February 5, 2024.

P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. '636(b)(1); Local Rule 72.31.

Upon review, the court finds no clear error of record. Moreover, the court agrees with the sound reasoning which led Judge Mehalchick to her conclusions. As such, the court will adopt Judge Mehalchick's report and recommendation as the decision of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The report and recommendation of Judge Mehalchick (Doc. 6) is ADOPTED IN ITS ENTIRETY AS THE DECISION OF THE COURT.

(2) The instant action (Doc. 1) is DISMISSED WITHOUT PREJUDICE.

(3) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: March 8, 2024

23-1303-01